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cont

37. (new) The adjustable control pedal according to claim 33, wherein the drive slot is inclined.

### REMARKS

In the Office Action mailed September 30, 2002, the Examiner rejected claims 1 to 5 and withdrew claims 11 and 16 to 21. The rejections are each respectfully traversed. This Amendment "A" cancels claims 6 to 21, amends claims 1 and 5, and adds new claims 22 to 37. Accordingly, claims 1 to 5, and 22 to 37 are now pending in this application.

Claims 5 was rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 5 has been amended including removal of the term "only". Reconsideration and withdrawal of the rejection is requested.

Claims 1 to 5 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claim 1 has been amended to remove the term mounting bracket. Reconsideration and withdrawal of the rejection is requested.

Claims 1 to 5 were rejected under 35 U.S.C. 102(e) as anticipated by Reynolds et al. (US 6,289,761).

Amended claim 1 is allowable because it includes the limitation that "wherein the first and second guide slots and the drive slot are each straight". No prior art of record reasonably discloses or suggests the present invention as defined by amended claim 1. The slots 102, 104 of Reynolds et al. are each arcuate. Reconsideration and withdrawal of the rejection is requested.

Claims 2 to 5 are allowable as depending from allowable claim 1 as discussed above and also for the additional novel and nonobvious subject matter contained therein. Reconsideration and withdrawal of the rejection is requested.

Claims 1 and 2 were rejected under 35 U.S.C. 102(b) as anticipated by Sitrin (US 4,875,385).

Amended claim 1 is allowable because it includes the limitations of "that "wherein the first and second guide slots and the drive slot are each straight"". No prior art of record reasonably discloses or suggests the present invention as defined by amended claim 1. The slot 36e of Sitrin is arcuate. Reconsideration and withdrawal of the rejection is requested.

Claim 2 is allowable as depending from allowable claim 1 as discussed above and also for the additional novel and nonobvious subject matter contained therein. Reconsideration and withdrawal of the rejection is requested.

Claims 3 and 4 were rejected under 35 U.S.C. 103(a) as unpatentable over Sitrin (US 4,875,385).

Claims 3 and 4 are allowable as depending from allowable claim 1 as discussed above and also for the additional novel and nonobvious subject matter contained therein. Reconsideration and withdrawal of the rejection is requested.

Claims 1 to 5 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 to 9, and 11 to 16 of U.S. Patent No. 6,289,761 to Reynolds et al.

Applicants respectfully submit that claims 1 to 5 include subject matter which is nonobvious in view of claims 1 to 9 and 11 to 16 of U.S. Patent No. 6,289,761 to Reynolds et, al. To expedite prosecution of the present application, however, a Terminal Disclaimer is enclosed. Reconsideration and withdrawal of the rejection is requested.

Enclosed herewith is a document containing marked-up versions of the changes made to the specification, abstract, and claims by the current amendment. The document is captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE".

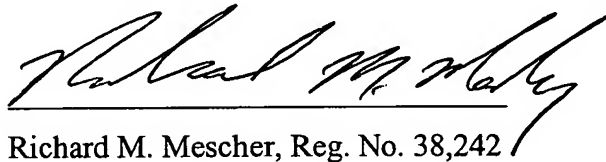
In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is found that that the present amendment does not place the application in a condition for allowance, applicant's undersigned attorney requests that the examiner initiate a telephone interview to expedite prosecution of the application.

If there are any fees resulting from this communication, please charge same to our Deposit Account No. 16-2326.

Respectfully submitted,

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Application No. 10/087,277

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Amendment "A" makes the following changes to the claims:

1. (amended) An adjustable control pedal comprising, in combination:
  - a pivotable upper arm having first and second guide slots and a drive slot formed therein;  
wherein the first and second guide slots and the drive slot are each straight;
  - a lower arm having a lower end carrying a pedal and operatively connected to the upper arm for selected movement relative to the upper arm;
  - a first pin secured to the lower arm and laterally extending into the first guide slot;
  - a second pin secured to the lower arm and laterally extending into the second guide slot;
  - and
  - a drive assembly operatively connected to the lower arm to selectively move the lower arm relative to the upper arm and including:
    - a screw carried by the ~~mounting bracket~~ upper arm;
    - a nut secured to the ~~upper~~ lower arm, laterally extending through the drive slot from the ~~upper~~ lower arm to the screw, threadably engaging the screw, and adapted to axially move along the screw upon rotation of the screw; and
    - a motor operatively connected to the screw to selectively rotate the screw.
5. (amended) The adjustable control pedal according to claim 1, wherein weight of the lower arm is supported by the upper arm ~~only~~ through the first and second pins.
6. cancelled
7. cancelled
8. cancelled

9. cancelled

10. cancelled

11. cancelled

12. cancelled

13. cancelled

14. cancelled

15. cancelled

16. cancelled

17. cancelled

18. cancelled

19. cancelled

20. cancelled

21. cancelled

22. (new) The adjustable control pedal according to claim 1, wherein the upper arm pivots about a pivot axis which is at a fixed position relative to the upper arm.

23. (new) The adjustable control pedal according to claim 1, wherein the upper arm pivots about a pivot axis which is spaced apart from the drive slot.

24. (new) The adjustable control pedal according to claim 1, wherein the drive slot is inclined.

25. (new) The adjustable control pedal according to claim 1, wherein the first and second guide slots extend entirely through the upper arm and the first and second pins extend entirely through the first and second guide slots respectively.

26. (new) An adjustable control pedal comprising, in combination:  
a pivotable upper arm having first and second guide slots and a drive slot formed therein;  
wherein the first and second guide slots are each straight;  
wherein the upper arm pivots about a pivot axis which is at a fixed position relative to the upper arm;  
a lower arm having a lower end carrying a pedal and operatively connected to the upper arm for selected movement relative to the upper arm;  
a first pin secured to the lower arm and laterally extending into the first guide slot;  
a second pin secured to the lower arm and laterally extending into the second guide slot;  
and  
a drive assembly operatively connected to the lower arm to selectively move the lower arm relative to the upper arm and including:  
a screw carried by the upper arm;  
a nut secured to the lower arm, laterally extending through the drive slot from the lower arm to the screw, threadably engaging the screw, and adapted to axially move along the screw upon rotation of the screw; and  
a motor operatively connected to the screw to selectively rotate the screw.

27. (new) The adjustable control pedal according to claim 26, wherein the first and second guide slots are formed on opposite sides of the drive slot.

28. (new) The adjustable control pedal according to claim 26, wherein the first and second guide slots are nonparallel.

29. (new) The adjustable control pedal according to claim 28, wherein the first and second guide slots are inclined.

30. (new) The adjustable control pedal according to claim 26, wherein the pivot axis is spaced apart from the drive slot.

31. (new) The adjustable control pedal according to claim 26, wherein the drive slot is inclined.

32. (new) The adjustable control pedal according to claim 26, wherein the first and second guide slots extend entirely through the upper arm and the first and second pins extend entirely through the first and second guide slots respectively.

33. (new) An adjustable control pedal comprising, in combination:  
a pivotable upper arm having first and second guide slots and a drive slot formed therein;  
wherein the first and second guide slots and the drive slot are each straight;  
wherein the upper arm pivots about a pivot axis which is at a fixed position relative to the upper arm and spaced apart from the drive slot;  
a lower arm having a lower end carrying a pedal and operatively connected to the upper arm for selected movement relative to the upper arm;  
a first pin secured to the lower arm and laterally extending into the first guide slot;  
a second pin secured to the lower arm and laterally extending into the second guide slot;  
and  
a drive assembly operatively connected to the lower arm to selectively move the lower arm relative to the upper arm and including:  
a screw carried by the upper arm;

a nut secured to the lower arm, laterally extending through the drive slot from the lower arm to the screw, threadably engaging the screw, and adapted to axially move along the screw upon rotation of the screw; and

a motor operatively connected to the screw to selectively rotate the screw.

34. (new) The adjustable control pedal according to claim 33, wherein the first and second guide slots are formed on opposite sides of the drive slot.

35. (new) The adjustable control pedal according to claim 33, wherein the first and second guide slots are nonparallel.

36. (new) The adjustable control pedal according to claim 35, wherein the first and second guide slots are inclined.

37. (new) The adjustable control pedal according to claim 33, wherein the drive slot is inclined.